

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

BEST CONSTRUCTION, INC.,

Plaintiff,

v.

CARPET WORKSHOP, LLC.,

Defendant.

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Case No. 3:05-cv-277-GPM

ORDER

This matter is before the Court on the Motion to Modify Scheduling and Discovery Order filed by the Plaintiff, Best Construction, Inc., on March 29, 2006 (Doc. 44). The motion is **GRANTED**.

The Amended Joint Report of Parties, attached to this order is approved. The settlement conference will proceed as originally scheduled, on **January 12, 2007 at 9:00 a.m.** before Magistrate Judge Donald G. Wilkerson. A class certification hearing and final pretrial conference will be set before Chief District Judge G. Patrick Murphy. The presumptive trial month is **RESET** to **July, 2007**. All remaining provisions of the Order and Notice of Settlement Conference (Doc. 40) and the Order Regarding Discovery (Doc. 41) remain in effect.

DATED: April 24, 2006

s/ Donald G. Wilkerson
DONALD G. WILKERSON
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

WEST CONSTRUCTION, INC. Plaintiff/Class Representative	Case No. 3:05-cv-00277-GPM
EMPIRE HOME SERVICES, L.L.C. d/b/a EMPIRE TODAY, and, CARPET WORKSHOP, L.L.C. d/b/a CARPET WORKSHOP Defendant	CLASS ACTION COMPLAINT

PROPOSED SCHEDULING AND DISCOVERY ORDER

Plaintiff and Defendant conferred via telephone conference on March 10, 2006 and discussed the recent health problems sustained by Plaintiff and particularly his inability to travel over the next few weeks, and agreed to submit to this Honorable Court a modified Proposed Scheduling and Discovery Order for the sole purpose of extending each enumerated deadline by forty-five (45) days. All other provisions and conditions contained in the Joint Report of the Parties and Proposed Scheduling and Discovery Order (Class Action) adopted by this Honorable Court on January 26, 2006 shall remain unchanged:

Consistent with the forty-five (45) days extension suggested by the parties, the new proposed deadlines are as follows:

Plaintiff's deposition shall be taken by May 1, 2006.

Defendant's deposition shall be taken by May 29, 2006.

Third Party actions must be commenced by June 15, 2006.

Expert Witnesses for Class Certification, if any, shall be disclosed, along with a written report prepared and signed by the witness pursuant to Federal Rule of

Civil Procedure 26(a)(2), as follows:

- a. Plaintiff's Expert(s): June 29, 2006
- b. Defendant's Expert(s): August 28, 2006

Depositions of Class Certification experts witnesses must be taken by:

- c. Plaintiff's Expert(s): July 31, 2006
- d. Defendant's Expert(s): September 29, 2006

Plaintiff's Motion for Class Certification and Memorandum in Support shall be filed by October 13, 2006 and shall not exceed 20 pages.

Defendant's Memorandum in Opposition to Class Certification shall be filed by October 27, 2006 and shall not exceed 20 pages.

Plaintiff's Reply Memorandum, if any, must be filed by November 3, 2006 and shall not exceed 5 pages.

The Class Certification Hearing shall be scheduled by the Court.

Expert witnesses for trial, if any, shall be disclosed along with a written report prepared and signed by the witness pursuant to Federal Rule of Civil Procedure 26(a)(2) as follows:

- e. Plaintiff's Expert(s): November 17, 2006
- f. Defendant's Expert(s): January 18, 2007

Depositions of trial expert witness(es) must be taken by:

- g. Plaintiff's Expert(s): December 18, 2006
- h. Defendant's Expert(s): February 19, 2007

All discovery shall be completed by February 19, 2007 (which date shall be no

later than one hundred fifteen (115) days before the first day of the presumptive trial month). Any written interrogatories or request for production served after the date set out in the Scheduling and Discovery Order shall be served by a date that allows the served parties the full thirty (30) days as provided by the Federal Rules of Civil Procedure in which to answer or produce by the discovery cut-off date.

All dispositive motions shall be filed by March 5, 2007 (which date shall be no later than one hundred (100) days before the first day of the presumptive trial month). Dispositive motions filed after this date will not be considered by the Court.

The presumptive trial month is July 2007.

DATED: March 15, 2006

/s/Kevin P. Klibert

Kevin P. Klibert

/s/Michael L. Young

Michael L. Young